

Notice of Allowability

Application No.

10/000,142

Examiner

Phillip Nguyen

Applicant(s)

PEZESHKI ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/27/05.
2. ☒ The allowed claim(s) is/are 1,4-6,8-23,32,34-40,43-46,48,58 and 60.
3. ☒ The drawings filed on 30 October 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 10/27/01
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 1/18/05
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Daniel Cavanagh on 01/18/2005.

2. The application has been amended as follows:

In the claims:

Claim 12, line 9, delete "a moveabe mirror", and insert --a moveabe mirror, the mirror not a diffractive grating--

Claim 18, line 7, delete "a mirror positionable", and insert -- a mirror, the mirror not a diffractive grating, moveable--

Claim 32, line 6, delete "an moveable" and insert --a moveable --

Claim 58, line 8, delete "positionable", and insert --moveable--

3. The following is an examiner's statement of reasons for allowance: Claims 12-23, 32, 34-40, 43-46, 58 and 60.

With respect to claims 12-23, Karlsen et al. (US 6529542), Farries et al. ('US 5163058) and Papen et al. (US 5379310) fail to discloses or suggest an array of single wavelength lasers on

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a substrate, each laser emitting light at a specific wavelength as determined by dimensional variable of each laser. In contrast, Karlsen, Farries, and Papen disclose arrays of laser that all laser produces the same wavelength. Karlsen, Farries, and Papen do not disclose the moveable mirror and in contrast, they disclose diffractive gratings. These diffractive gratings select light from the laser arrays at the same wavelength and output different wavelengths.

With respect to claims 32, 34-40, 43-44, Edelstein (US 5220463) and Mirrov (US 6236666) fail to teach an optical element that is moveable in a direction substantially perpendicular to the array of lasers. In contrast, Edelstein teaches away the invention by disclosing an optical element that is moveable in the parallel to the direction of the input optical path.

With respect to claims 45 and 48, the prior art fails to teach or fairly suggest the moveable mirror and an array of lenses.

With respect to claims 58 and 60, the prior art fails to teach an invention as shown in the claims with an array of single wavelength lasers, ... each laser emitting light at a specific wavelength as determined by a grating fabricated within each laser.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Citation of Pertinent References

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The patent to Karlsen et al. discloses Incoherent Beam Combined Optical System Utilizing a Lens Array, U.S. Patent No. 6529542

The patent to Farries et al. discloses Semiconductor Laser Pump Source, U.S. Patent No. 5163058

The patent to Mirov et al. discloses Semiconductor Laser with a Superbroadband or Multiline Spectral Output, U.S. Patent No. 6236666

The patent to Papen et al. discloses External Cavity, Multiple Wavelength Laser Transmitter, U.S. Patent No. 5379310

Communication Information

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phillip Nguyen whose telephone number is 571-272-1947. The examiner can normally be reached on 9:00 AM - 6:00 PM.

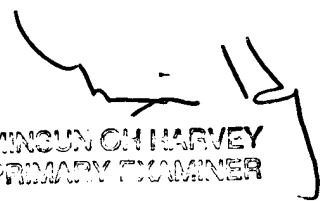
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MINSUN HARVEY, can be reached on 571-272-1835. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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MIN SUN OH HARVEY
PRIMARY EXAMINER